

Consultation with the Seldovia Village Tribe on Cook Inlet General Permits August 2013

Seldovia Comments

- Our concerns are mostly about effluent guidelines, fish consumption, and water quality standards. We outlined these in our letter. It's been a while since we looked at that. I don't think we ever got a response.
- It would be great if the information we gathered with the subsistence survey was used in some way to reduce some of the pollutants that go in our waters.
- The Effluent Limitation Guidelines are different in Cook Inlet than everywhere else. Can you tell us where we are on that?
- Why is Cook Inlet specifically exempted (from coastal O&G ELG zero discharge provision)?
- Why is the (Cook Inlet) exemption (from coastal O&G ELG zero discharge provision) still in place?
- In a brief for the U.S. Court of Appeals 9th Circuit, Cook Inlet Keeper brought up really good points about Effluent Limitation Guidelines and how limits are set for certain contaminants.
- In modeling water quality based --, some factors weren't taken into account, like not modeling as an estuary, certain calculations weren't done, there were some miscalculations, and wrong assumptions.
- Have any parts brought up in that (Cook Inlet Keeper) brief been addressed?
- How similar are Effluent Limitation Guidelines for produced water?
- Are these East coast organisms (used to test toxicity of muds and cuttings)?
- Do they have labs on the rigs (for toxicity testing) or do they send samples in?
- Are they using water from Cook Inlet or synthetic seawater?
- With mixing zones, sometimes edge limits aren't as strict as outside. Any role for mixing zones (in these permits)?
- What's an LC50 (lethal concentration that kills 50% of organisms)?
- Before drilling they have to sample the muds (meant sediments). Before the next one do they have to retest?
- What's a mineral oil pill? Is there something on the drilling rig to recover that?
- There was a press release in May about a 2012 lawsuit over beluga whales, National Marine Fisheries, and Apache, and that the federal government violated the Marine Mammal Protection Act. Does that decision have any relevancy?
- Does that exclusion area also include Flat Island off of Nanwalek? That's a sea lion rookery.
- We submitted the 1st draft of our Assessment of Cook Inlet Tribes' Subsistence Consumption in December and the 2nd draft in February. Is that data going to be used in this?
- And CRITFC's (Columbia River Inter-tribal Fish Commission's) data, did any of that data from other tribes get factored in at all?
- When I compared our data to other tribe's data, commonly, the values for daily fish consumption rates were all between 140 and 180g/day. So they were all high, all tribes are high.
- Some of our highest consumers at the 95th percentile are consuming 500 something g/day.
- When does the ODCE become final?

EPA Commitments

- If Services come back (with recommendations), or if you have information (about sea lion rookery near Nanwalek) we can follow up on it.
- We're going to take a more thorough look (at Seldovia's Cook Inlet subsistence consumption data) when we finalize the ODCE.

EPA Comments Regarding AK Fish Consumption

- The state of Oregon established new human health criteria, based on the highest fish consumption rate of any in the country so far, at 175g/day. That number was largely, though not exclusively, based on the CRITFC work.
- That information (CRITFC data) continues to be in play. Washington is now in the midst of revising their human health criteria, and there are also other studies in Washington -- 150-175g/day.
- Dennis McLerran is on record --- that if the state gets bogged down, we think there is sufficient information to do it for the state of Washington. There are other complicated processes going on in the state of Washington.
- -- covered by the National Toxics Rule established 21 years ago the (national average) fish consumption rate at 6.5 g/day. EPA's national recommendation is at 17.5g/day. There are ongoing conversations about re-looking at the data for that.
- Idaho submitted standards at 17.5g/day level. We disapproved it. As basis for that, combination of broad survey state is doing, Idaho tribes -- were working with them to help do a survey of their consumption.
- This (Idaho fish consumption) is a different situation dealing with a fairly significant suppression dynamic. The fish runs are low but they want to see standards written where treaties said they could be and people -- of fish, so that dynamic is in play here.
- In our methodology, nationally published EPA methods for how to establish criteria, --- does go to local data. EPA's national data at 17.5g/day gives -- of consumers and non-fish consumers. But down at state level, what would be appropriate is to look at data collected in the state.
- The further you get away from that, those with interest in attacking that number, might ask what does CRITFC data have to do with Alaska.
- In fish consumption rate part of human health criteria in Washington, tribes are abundantly clear that they consider 175g/day as a solid starting point on which they agree.
- But that's (175g/day) just a starting point. They (Washington tribes) want it to gradually get to where they actually are or should be (consuming).
- We're looking at a set of tribal (water quality) standards that's much higher (consumption rate).
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- We're much less concerned about these kinds of discharges than in other parts of the process.
- Generally, where this (Cook Inlet tribes' fish consumption) will be relevant...
- A lot of conversation with Oregon as they went to 175 (g/day) was in turning industry's interest away from debating numbers to how can we permit or implement over time. Varying from 60 to 113g/day somewhere is the break point -- what can technology support.

- Not that there's not value in -- , at -- point doesn't make a difference how high that number is anymore with laboratories' ability. This has practical implications for how you regulate something.
- One of the things Oregon worked on was to acknowledge industry takes on discharging cooling water. You have to deal with kilocalories in -- water, and whatever else was in there. Oregon said, as long as you can document it, you don't have to make it cleaner than what you have.

Alaska Comments Regarding AK Fish Consumption

- I'm not saying everything we've done is the best way to do it. When Health and Human Services puts out fish advisories based on tissue testing that DEC does under different sets of guidelines, -- always concerned about health benefits of fish.
- The trade-off is very low levels. High consumption equals low standards. At what point is trade-off between benefits and --- -.
- In water quality, -- focused on EPA's -- of Human Health Criteria rules to do that. When we get to the end product, we all need to think about what goes on in implementation, and what the impacts of that are.
- I think we're going to end up -- two different messages. Set low standards, and if that's the goal we're trying to achieve, convey that. If you're looking at other foods, maybe seafood is the best option. We may have to convey both messages.
- If we do end up with low levels, because of high levels of fish consumption, -- perception that fish isn't safe to eat.
- We will try to use the best information we have, and take it into account in the ODCE as we finalize it.
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- -- survey, water quality standards, something we're moving towards looking into is reaching out to people to provide input on approach we might take